

Testimony of Congressman Tom Cole
Before the
Subcommittee on Indian and Alaska Native Affairs

Legislative Hearing on H.R. 205 and H.R. 2362
November 3, 2011

Mr. Chairman, Ranking Member Boren, Members of the Committee: thank you for inviting me here today to testify on my bill, H.R. 2362 the Indian Tribal Trade and Investment Demonstration Project Act of 2011, and my colleague Congressman Heinrich's bill H.R. 205 the HEARTH Act. Addressing ways to grow and sustain economic development on Tribal lands is an important goal that I continue to work on with members of this committee. Statistically, Indians are the most impoverished group of people in our country and suffer from the highest rates of unemployment. Enacting policies to facilitate growth of Tribal economies is vital to help alleviate the economic malaise facing Indians. The first and most basic step we should take towards that goal is making it easier for Indian Tribes to use their own land. These bills will achieve that goal.

H.R. 2362 is designed to facilitate U.S. trade with Turkey and help economic development on Tribal land. Currently, economic development on Tribal land is hampered by a restrictive and archaic leasing system. This system requires multiple levels of review including surveys and thorough environmental reviews every time a lease is entered into. At the end of that process, even simple leases that could be concluded in as little as six days on private land can take up to six years to conclude on trust land.

It is fitting that the Indian Tribal Trade and Investment Demonstration Project Act and the HEARTH Act are being considered together today, as my bill, H.R. 2362, is based on provisions of the HEARTH Act. In fact, if the HEARTH Act is enacted, provisions of H.R. 2362 would be facilitated. As I am sure you will hear from other witnesses today, the HEARTH Act will cut down on the bureaucracy involved with leasing and developing land held in trust for Indian Tribes. These same provisions have applied to the Navajo tribe for over a decade, and have helped that tribe with economic development.

H.R. 2362 is another in a long line of demonstration projects being used to evolve federal policy concerning Tribes. Over the years there has been reluctance to implement new policies which would affect all federal Tribes. Applying the provisions of the HEARTH act to only the Navajo in 2000 is only one example. We can find other examples in other areas of Indian policy including self governance. Mr. Chairman, today you are considering two bills, one that continues the demonstration model and one that seeks to benefit all Indian Tribes. While I strongly support my legislation, I hope that the HEARTH Act is quickly enacted extending the provisions found in H.R. 2362 to all tribes.

Mr. Chairman, my bill would direct the Secretary of Interior to create a demonstration project for up to six tribes or groups of tribes engaged in economic development projects with companies based in Turkey. This legislation allows the Tribes in the program to develop their own guidelines for leasing, including provisions to protect the environment. The Secretary would then approve those guidelines and the Tribes

would be allowed to operate under those guidelines without required Secretarial approval for every individual release. Essentially, Tribes in the demonstration project would then enjoy the same regulatory reforms proposed in the HEARTH Act.

Although the Indian Tribal Trade and Investment Demonstration Project would streamline leasing provisions to take secretarial approval out of every lease, the Secretary of Interior retains oversight over the project and retains the power to enforce or cancel leases under the project if needed to exercise the United States' trust responsibility to tribes. Additionally, as federal land, trust land remains subject to the same environmental reviews that all federal lands are subject to. Neither my legislation, nor the HEARTH Act are attempts to get around environmental regulations and exploit the land. Instead they are efforts to bring meaningful change to Indian Tribes by allowing them to efficiently develop their lands just like non-Indians are allowed to.

The single most frequent question people ask me about H.R. 2362 is: Why Turkey? The answer to that is simple. Turkey, through their trade ministry, has shown interest in partnering with tribal economies. Turkey sent the first delegation from a foreign government to the National Center for American Indian Enterprise Development's annual Reservation Economic Summit, commonly known as RES, in 2011. People in Turkey have a genuine affinity towards American Indians. Many Turks believe that Indians share a common ancestry with the Turks dating back millennia. Whether you hold this belief or not, there is no denying that many Turks want to help Indians. H.R. 2362 would capitalize on this affinity to strengthen ties with a key ally and help struggling tribal economies.

For a variety of reasons, Mr. Chairman, there is a genuine interest in Native Americans in many parts of the world. It is my belief that if H.R. 2362 succeeds and innovative legislation like the HEARTH Act is passed, other foreign government and corporations may well follow the example of Turkey and invest in Indian Country. That can only result in good things for Indian Country while strengthening America's ties with historic allies like Turkey. Progress for our most challenged population—Native Americans—is a good thing for our country and will have a positive impact for our image around the world.

Mr. Chairman, thank you again for inviting me to testify before your committees on these important bills. These pieces of legislation are vital to the development of Tribal economies. I encourage this committee to favorably report both the Indian Tribal Trade and Investment Demonstration Act and the HEARTH Act and move them through the legislative process.